

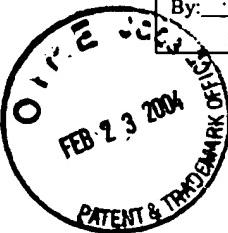
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ELAN PHARMACEUTICALS, INC.

By:

Leslie J. Boley

PATENT
Attorney Docket No.: 00211-US-NEW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MOYER *et al.*

Application No.: 09/393,590

Filed: September 9, 1999

For: STABLE LIQUID
FORMULATIONS OF
BOTULINUM TOXIN

Examiner: S. DEVI

Art Unit: 1645

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

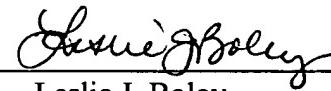
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

The references cited herein were presented in a corresponding foreign application proceeding.

Applicant believes that the fee required for submission of this statement is \$180.00. The Commissioner is authorized to deduct the fee for the submission of this statement from the undersigned's Deposit Account No. 01-2707. Please deduct any additional fees that may be required from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Date: 2/23/04



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| Substitute for form 1449A/PTO | | | | <i>Complete if Known</i> | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Application Number | 09/393,590 |
| | | | | Filing Date | September 9, 1999 |
| | | | | First Named Inventor | Moyer, Elizabeth |
| | | | | Art Unit | 1645 |
| | | | | Examiner Name | S. Devi |
| Sheet | 1 | of | 2 | Attorney Docket Number | 00211-US-NEW |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ² Applicant's unique citation designation number (optional). ³ Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.



Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

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|-------|---|----|---|------------------------|--------------|
| Sheet | 2 | of | 2 | Attorney Docket Number | 00211-US-NEW |
|-------|---|----|---|------------------------|--------------|

| NON PATENT LITERATURE DOCUMENTS | | | | | |
|---------------------------------|-----------------------|---|--|--|----------------|
| Examiner Initials * | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | T ² |
| | | M.C. GOODNOUGH, et al. "Stabilization of Botulinum Toxin Type A during Lyophilization," Applied and Environmental Microbiology, 58: 3426-3428 (1992). | | | |
| | | P. HAMBELTON, et al. "Potency equivalence of botulinum toxin preparations", Journal of the Royal Society of Medicine" 87: 719 (1994) | | | |
| | | K. MCCLELLAN, et al. "Therapeutic Botulinum Type A Toxin: Factors Affecting Potency," Toxicon, 34(9): 975-85 (1996). | | | |
| | | E.J. SCHANTZ, et al. "Properties and Use of Botulinum Toxin and Other Microbial Neurotoxins in Medicine," Microbiological Reviews, 56(1): 80-99 (1992). | | | |
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| | | J.P. DOWEIKO, et al. "Role of Albumin in Human Physiology and Pathophysiology," Journal of Parenteral and Enteral Nutrition, 15: 207-211 (1991). | | | MAR 01 2004 |
| | | B. ASHER "Traitement des rides fronto-orbitaires par injections de toxine botulique, lifting endoscopique, et resurfacing laser," J. Med, Esth et Chir. Derm. XXIII:159-166 (1996) [French language only]. | | | |
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